REMARKS/ARGUMENTS

In the Drawings.

The Examiner has objected to the drawings for alleged failure to show the robot recited in part (c) of claim 1. However, feature **135** robotic actuator or transport (described, e.g., in paragraph 122) is shown in Figures 1, 5, 7, and 8. As the robotic feature is shown in drawings, Applicant respectfully requests withdrawal of the objection to the drawings.

The Status of the Claims.

Claims 1 to 113 are pending with entry of this amendment. Claims 1 to 58 and 85 to 113 are currently under consideration, and claims 59 to 84 have been withdrawn from consideration due to a restriction requirement. Claim 86 is cancelled. Independent claims 1 and 85 are currently amended herein. Claims 87 and 88 are amended to provide proper dependency. These amendments introduce no new matter and support is replete throughout the specification. These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record.

With respect to amended claims 1 and 85, support can be found throughout the specification. For example, support for the amended claims 1 and 85 is found, e.g., in paragraphs 14, 35, 78, 82 and Figure 2A. The amendment to claim 15 is merely to provide proper antecedent basis, and does not add new matter to the application as filed.

35 U.S.C. §102.

Claims 1, 4-20, 24-40, 48, 56, 58, and 85-113 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Quinlan (U.S. Patent No. 5,769,775). Claims 1-20, 24-44, 48, and 85-113 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Pang (U.S. Patent No. 6,060,022).

Claim 1 is directed to an automated centrifuge that comprises, in addition to a rotor, either or both of the following elements: 1) at least one transport mechanism configured to move one or more sample processing components proximal to or within the plurality of sample receiving

regions, and 2) at least one robot capable of inserting at least two sample vessels into the sample receiving regions at substantially the same time.

Anticipation requires that "all limitations of the claim" are found in the cited reference, or 'fully met' by it." Kalman v. Kimberly-Clark Corp., 218 USPQ 781, 789 (Fed. Cir. 1983). With respect to the first alternative embodiment of claim 1, this embodiment was generally acknowledged in the Interview of August 18, 2004, as not anticipated by the cited references. For example, neither Quinlan nor Pang describes a centrifuge that has a transport mechanism configured to move one or more *sample processing components* proximal to the rotor. The rejection states that, in Quinlan, this claim element is disclosed by the components designated as reference numerals 24, 94, and 98 of Figure 1. However, the detailed description makes clear that these components are not configured to transport *sample processing components*; rather, these components are configured to transport *sample holding racks* to and from the centrifuge (see, e.g., column 4, lines 28-36: "As shown in FIG. 1, sample holding racks are delivered to and removed from centrifuge 20 via one of two transport systems 94 and 98. Transport systems 94 and 98 may be any suitable system for delivering and removing sample holding racks from centrifuge 20, and in the embodiment shown in FIG. 1 comprise a conveyor track system. Transfer station 24 includes a conveyor 110 which is operable to transfer a sample holding rack from transport system 94 to transport system 98, or vice versa, as desired.").

Pang also fails to describe this claim element. According to the rejection, this element is met by the component designated as reference number 700 in Pang Figures 1 and 13B. As is the case with Quinlan, however, the Pang patent makes clear that this robotic arm component of the Pang apparatus is configured to move sample *containers*, not sample processing components. See, e.g., column 7, lines 42-46 ("The transport system (i) transports containers to and from the centrifuge receptacles, the analyzers and the decapper system; (ii) transports receptacles to and from the balance system and the centrifugation system; and (iii) transports containers in the sorting system."). That the transport system is configured to transport sample containers, not sample processing components, is stated at column 7 line 75 to column 8 line 2 ("The gripper head has a pair of gripper fingers extending therefrom, being controllably movable with tactile feedback toward and away from opposites sides of

the gripper axis for selectively grasping and transporting containers, and holders thereof."). Pang Figure 2D makes clear that all sample processing steps take place outside the centrifuge. This is in marked contrast to Applicants' invention, which is configured to process samples while the sample containers are in the centrifuge rotor. Thus, neither Pang nor Quinlan anticipate the automated centrifuge of claim 1 that has a transport system configured to move one or more sample processing components.

With regard to the centrifuge of claim 1 that comprises a robot capable of inserting at least two sample vessels into the sample receiving regions at substantially the same time, Applicants have amended this claim element to further specify that the sample receiving regions comprise one or more non-vertical clusters. Quinlan and Pang both fail to describe an automated system that comprises at least one robot capable of inserting at least two sample vessels into sample receiving regions at substantially the same time, wherein the sample receiving regions are in a vertical orientation when sample vessels are inserted.

Therefore, the cited references do not anticipate claim 1, as amended, because the references fail to describe all the limitations of the claims. Moreover, rejected claims 2-20, 24-40, 48, 56 and 58, all of which depend from claim 1, are likewise not anticipated by the cited references.

With regard to method claim 85, the cited art does not teach methods using rotors that comprise non-vertical clusters of sample receiving regions. In paragraph 78 of the specification, "clusters of sample receiving elements" are characterized as arranged in spatially distinct groupings when viewing the rotor, and/or having sample receiving elements aligned along substantially the same longitudinal axes. Such clusters, in a non-vertical loading orientation, are not described in the cited art, and therefore, claim 85 is not anticipated.

As the independent claims 1 and 85 are not anticipated by the cited art, the associated dependent claims also are not anticipated.

Allowable Subject Matter

Applicant is pleased that claims 21-23, 45-47, 49-55, and 57 are found allowable if rewritten in independent form including the base claim. However, as currently amended

independent claim 1 is not anticipated by cited prior art, Applicant requests that the rejections be withdrawn and the claims be allowed as amended.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 769-3510 to schedule an interview.

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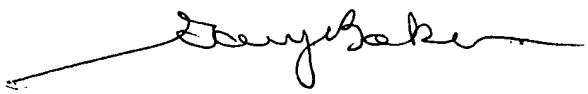
Respectfully submitted,



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Attachments:

1) A Transmittal Sheet;
2) A Receipt Indication Postcard;
3) A petition to extend the period of response for **2** month; and,
4) An Applicant's Interview Summary.